

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

SCOTT THOMAS VISNICH,  
Defendant.

CASE NO. CR19-0069-JCC

PROTECTIVE ORDER

This matter comes before the Court to on the parties' stipulated motion for a discovery protective order (Dkt. No. 30). Having considered the motion and the relevant record, the Court GRANTS the motion and ORDERS as follows:

IT IS HEREBY ORDERED that the discovery materials discussed in the Motion for the Protective Order and referred to therein as "Protected Material," listed or marked specially as "Protected Material," may be produced to counsel for the defendant in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to the attorneys of record in this case and their staff, and to any investigators, expert witnesses, and other agents the attorneys of record retained in connection with this case.

1 The attorneys of record, and their investigators, expert witnesses, and other agents can  
2 review Protected Material with the defendant. The defendant can inspect and review  
3 Protected Material, but shall not be allowed to possess, photograph, or record Protected  
4 Material or otherwise retain Protected Material or copies thereof.

5 IT IS FURTHER ORDERED that defense counsel shall not provide Protected  
6 Material or copies thereof to any other person outside his or her law office, including the  
7 defendant or his family or associates.

8 IT IS HEREBY FURTHER ORDERED that the defendant, defense counsel, and  
9 others to whom disclosure of the content of the Protected Material may be necessary to  
10 assist with the preparation of the defense, shall not disclose the Protected Material or its  
11 contents, other than as necessary for the preparation of defenses at trial and in subsequent  
12 appellate proceedings, if necessary. Specifically, the attorneys of record and members of  
13 the defense team acknowledge that providing copies of the Protected Material to the  
14 defendant and other persons is prohibited, and agree not to duplicate or provide copies of  
15 the Protected Material to the defendant and other persons. This order does not limit  
16 employees of the United States Attorney's Office for the Western District of Washington  
17 from disclosing the Protected Material to members of the United States Attorney's  
18 Office, federal law enforcement agencies, the Court, or witnesses in order to pursue other  
19 investigations or the prosecution in this case. Nor does it limit employees of the  
20 United States Attorney's Office for the Western District of Washington from disclosing  
21 the Protected Material to the defense as necessary to comply with the government's  
22 discovery obligations.

23 IT IS FURTHER ORDERED that if counsel for the defendant finds it necessary to  
24 file any documents marked as Protected Material, the material shall be filed under seal  
25 with the Court.  
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1           Nothing in this Order shall prevent any party from seeking modification of this  
2 Protective Order or from objecting to discovery that it believes to be otherwise improper.  
3 The parties agree that in the event that compliance with this Order makes it difficult for  
4 defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an  
5 unworkable burden on counsel, defense counsel shall bring any concerns about the terms  
6 of the Order to the attention of the government. The parties shall then meet and confer  
7 with the intention of finding a mutually acceptable solution. In the event that the parties  
8 cannot reach such a solution, defense counsel shall have the right to bring any concerns  
9 about the scope or terms of the Order to the attention of the Court by way of a motion.  
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11           Nothing in this order should be construed as imposing any discovery obligations  
12 on the government that are different from those imposed by case law and Rule 16 of the  
13 Federal Rules of Criminal Procedure. The failure to list, mark, or designate any materials  
14 as provided in this order shall not constitute a waiver of a party's assertion that the  
15 materials are covered by this Protective Order.

16           This Protective Order does not constitute a ruling on the question of whether any  
17 particular material is properly discoverable or admissible and does not constitute any  
18 ruling on any potential objection to the discoverability of any material.  
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20           IT IS FURTHER ORDERED that at the conclusion of the case, the Protected  
21 Material shall be returned to the United States, or destroyed, or otherwise stored in a  
22 manner to ensure that it is not subsequently duplicated or disseminated in violation of this  
23 Protective Order.

24           The Clerk of the Court is directed to provide a filed copy of this Protective Order  
25 to all counsel of record.

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1 DATED this 15th day of August 2019.  
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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE